

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA)	
)	
v.)	No. 1:11-CR-161-1
)	
JOHNNY REID EDWARDS)	

**GOVERNMENT’S RESPONSE TO DEFENDANT JOHN EDWARDS’
MOTION FOR PROCEDURES IN JURY SELECTION**

The United States of America, by and through the undersigned attorneys, respectfully files its position on the jury selection procedures requested by defendant John Edwards in his Motion for Procedures in Jury Selection (Dkt. No. 129).

I. Fresh Venire

The Government joins in Edwards’ request for use of a fresh venire.

II. Excused Absences to be Granted Only by the Court

The Government takes no position on Edwards’ request on this issue.

III. Pre-Voir Dire Written Questionnaire

The Government joins in Edwards’ request for use of a written questionnaire.

IV. Individual/Small Group Follow Up Voir Dire

The Government agrees that after analyzing the questionnaires, the parties should make an initial effort to agree on prospective jurors who, subject to the Court’s approval, should be stricken for cause. The Government also agrees that for follow-up questions on potentially problematic areas, some effort should be made to prevent jurors’

answers from infecting the remainder of the venire, and individual or small group follow-up by the Court is an appropriate procedure for that purpose. As for permitting the attorneys for the parties to participate in voir dire, the Government is satisfied with the procedures established under Local Criminal Rule 24.1(a).

V. Alternate Jurors

The Government joins in Edwards' request that the alternate jurors not be told that they are alternates.

VI. Additional and Alternating Peremptory Strikes

The Government opposes Edwards' request for additional peremptory strikes. The case he cites in support of his request, *United States v. Barnett*, 644 F.3d 192 (4th Cir. 2011), was a capital murder case, for which twenty strikes per side are prescribed *by rule*. See Fed. R. Crim. P. 24(b)(1). There is no reason to deviate in this case from the standard number of strikes in non-capital felony cases. The Government takes no position on Edwards' request that the Court use alternating strikes as opposed to simultaneous strikes.

Dated: December 22, 2011

Respectfully submitted,

JOHN STUART BRUCE
Attorney for the United States
Acting under authority
conferred by 28 U.S.C. § 515

JACK SMITH
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CERTIFICATE OF SERVICE

This is to certify that on December 22, 2011, I filed the foregoing document on the Court's CM/ECF system, which will transmit a copy to the following counsel of record in this case:

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